

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>MARANDA LYNN O'DONNELL, et al.</b>	§ § § § § § § § § §	<b>Case No: 16-cv-01414 (Consolidated Class Action) The Honorable Lee H. Rosenthal U.S. District Judge</b>
<b>Plaintiffs,</b>		
<b>v.</b>		
<b>HARRIS COUNTY, TEXAS, et al.</b>		
<b>Defendants.</b>		

**HARRIS COUNTY CRIMINAL COURT AT LAW NO. 16 JUDGE  
DARRELL WILLIAM JORDAN'S ANSWER AND AFFIRMATIVE  
DEFENSES TO FIRST AMENDED CLASS ACTION COMPLAINT**

Defendant, Harris County Criminal Court at Law No. 16 Judge Darrell William Jordan, in his official capacity ("Judge Jordan"), now files his Answer and Affirmative Defenses in response to Plaintiffs' Maranda Lynn O'Donnell, Robert Ryan Ford, and Loetha McGruder's (collectively "Plaintiffs") First Amended Class Action Complaint ("Complaint") and would respectfully show this Court as follows:

**Introduction**

The four paragraphs of conclusory allegations in Plaintiffs' Introduction do not require a response from Judge Jordan. Although no response is required, Judge Jordan denies the factual allegations in Plaintiffs' Introduction.

Judge Jordan responds to the numbered paragraphs set forth in Plaintiffs' Complaint as follows:

**Nature of the Action**

1. In answering Paragraph 1, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

**Jurisdiction and Venue**

2. In answering Paragraph 2, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
3. In answering Paragraph 3, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

**Parties**

4. In answering Paragraph 4, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
5. In answering Paragraph 5, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
6. In answering Paragraph 6, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
7. In answering Paragraph 7, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
8. In answering Paragraph 8, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

9. In answering Paragraph 9, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
10. In answering Paragraph 10, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
11. In answering Paragraph 11, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
12. In answering Paragraph 12, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
13. In answering Paragraph 13, Judge Jordan admits that the persons identified in the Complaint as Hearing Officers are appointed and can be terminated by a two-thirds vote of a Harris County board composed of three judges of the District Courts of Harris County, three judges of the County Criminal Courts at Law, and three justices of the peace. Judge Jordan further admits the Hearing Officers make probable cause determinations and set bail for arrestees pursuant to the County's money bail schedule. Judge Jordan admits the Plaintiffs have sued the Hearing Officers in their individual and official capacities, but the Court dismissed the claims against them in their official capacity. Judge Jordan is without sufficient information to admit or deny the remaining allegations in this paragraph.

14. In answering Paragraph 14, Judge Jordan admits that the named judges in this paragraph are the judges that were in office at the time the Plaintiffs' Complaint was filed. Judge Jordan denies that Linda Garcia is the current judge of Harris County Criminal Court at Law No. 16.
15. In answering Paragraph 15, Judge Jordan admits the allegations in this paragraph.
16. In answering Paragraph 16, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
17. In answering Paragraph 17, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
18. In answering Paragraph 18, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
19. In answering Paragraph 19, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
20. In answering Paragraph 20, Judge Jordan admits the County Court at Law Judges were sued in their individual and official capacities, but the Court dismissed the claims against them in their individual capacity.

**Factual Background**

21. In answering Paragraph 21, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

22. In answering Paragraph 22, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
23. In answering Paragraph 23, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
24. In answering Paragraph 24, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
25. In answering Paragraph 25, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
26. In answering Paragraph 26, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
27. In answering Paragraph 27, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
28. In answering Paragraph 28, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
29. In answering Paragraph 29, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
30. In answering Paragraph 30, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
31. In answering Paragraph 31, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

32. In answering Paragraph 32, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
33. In answering Paragraph 33, Judge Jordan admits the allegations in this paragraph, but lacks knowledge or information sufficient to form a belief as to the truth of the allegations in footnote 5.
34. In answering Paragraph 34, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
35. In answering Paragraph 35, Judge Jordan admits the allegations in this paragraph.
36. In answering Paragraph 36, Judge Jordan admits the allegations in this paragraph.
37. In answering Paragraph 37, Judge Jordan admits the allegations in this paragraph.
38. In answering Paragraph 38, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
39. In answering Paragraph 39, Judge Jordan admits the allegations in this paragraph.
40. In answering Paragraph 40, Judge Jordan admits the allegations this paragraph.

41. In answering Paragraph 41, Judge Jordan denies the allegations in this paragraph.
42. Judge Jordan objects to the allegations in Paragraph 42 to the extent they state a legal conclusion to which no answer is required. If a response is required, Judge Jordan admits that a person able to post bail will typically be released within 24 hours. Judge Jordan denies the remaining allegations in this paragraph.
43. In answering Paragraph 43, Judge Jordan admits the allegations in the first four sentences of this paragraph. Judge Jordan denies that he imposes the monetary bail required by the schedule, but instead uses his judicial discretion in determining whether to order a money bail.
44. In answering Paragraph 44, Judge Jordan admits that a person arrested pursuant to a warrant or warrantless arrest can pay the secured money bail amount predetermined by the schedule and be released typically within 24 hours. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and footnotes 7 and 8.
45. In answering Paragraph 45, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

46. In answering Paragraph 46, Judge Jordan admits Harris County is a large county, but lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
47. In answering Paragraph 47, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
48. In answering Paragraph 48, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
49. In answering Paragraph 49, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
50. In answering Paragraph 50, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
51. In answering Paragraph 51, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
52. In answering Paragraph 52, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
53. In answering Paragraph 53, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
54. In answering Paragraph 54, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.



55. In answering Paragraph 55, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
56. In answering Paragraph 56, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
57. In answering Paragraph 57, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
58. In answering Paragraph 58, Judge Jordan admits that at any point in the booking process, an arrestee can pay his or her predetermined money bail and be released, typically within 24 hours. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
59. In answering Paragraph 59, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
60. In answering Paragraph 60, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
61. In answering Paragraph 61, Judge Jordan admits the allegations in this paragraph.
62. In answering Paragraph 62, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

63. In answering Paragraph 63, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
64. In answering Paragraph 64, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
65. In answering Paragraph 65, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
66. In answering Paragraph 66, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
67. In answering Paragraph 67, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
68. In answering Paragraph 68, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
69. In answering Paragraph 69, Judge Jordan admits arrestees are advised not to talk to the Hearing Officer to avoid self-incrimination and therefore the Hearing Officer makes no verbal inquiry at the hearing of the arrestees' financial ability to pay. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
70. In answering Paragraph 70, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

71. In answering Paragraph 71, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
72. In answering Paragraph 72, Judge Jordan denies the first sentence of the paragraph. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
73. In answering Paragraph 73, Judge Jordan admits that in some cases the Hearing Officer affirms the money bail previously set pursuant to the bail schedule. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
74. In answering Paragraph 74, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
75. In answering Paragraph 75, Judge Jordan admits he has seen video of a Hearing Officer raising bail in an arbitrary and punitive manner when an arrestee answered a question by stating “Yeah” instead of “Yes;” however, Judge Jordan lacks knowledge or information sufficient to form a belief as to whether this has occurred in other instances.
76. In answering Paragraph 76, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
77. In answering Paragraph 77, Judge Jordan denies that he imposes money bail solely on the alleged offense and the person’s criminal history and

- without reference to a person's ability to pay. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations as it concerns other persons setting money bail.
78. In answering Paragraph 78, Judge Jordan admits the allegations in this paragraph.
79. In answering Paragraph 79, Judge Jordan denies that he releases arrestees on personal bonds solely on the alleged offense and the person's criminal history and without reference to a person's ability to pay. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations as it concerns other persons making recommendations for release on personal bond.
80. In answering Paragraph 80, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
81. In answering Paragraph 81, Judge Jordan denies that he releases arrestees on personal bonds without an inquiry into ability to pay. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations as it concerns the Hearing Officers' recommendations for release on personal bond.
82. In answering Paragraph 82, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

83. In answering Paragraph 83, Judge Jordan admits that at any point in the verification process the arrestee can pay the money set pursuant to the schedule and be released, typically within 24 hours. Judge Jordan denies the remaining allegations in this paragraph.
84. In answering Paragraph 84, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
85. In answering Paragraph 85, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
86. In answering Paragraph 86, Judge Jordan denies the allegations in this paragraph.
87. In answering Paragraph 87, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
88. In answering Paragraph 88, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
89. In answering Paragraph 89, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
90. In answering Paragraph 90, Judge Jordan denies the allegations in this paragraph.
91. In answering Paragraph 91, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

92. In answering Paragraph 92, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
93. In answering Paragraph 93, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
94. In answering Paragraph 94, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
95. In answering Paragraph 95, Judge Jordan denies the allegations in the first sentence, but admits the remaining allegations in this paragraph.
96. In answering Paragraph 96, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
97. In answering Paragraph 97, Judge Jordan denies that he has a practice of not reviewing the money bail amount previously imposed, but lacks knowledge or information sufficient to form a belief as to the truth of the allegations as it concerns other County Court at Law Judges. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
98. In answering Paragraph 98, Judge Jordan denies the allegations in this paragraph.
99. In answering Paragraph 99, Judge Jordan denies the allegations in this paragraph.

100. In answering Paragraph 100, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

In answering Paragraph 101, Judge Jordan denies the allegations in this paragraph.

101. In answering Paragraph 102, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

102. In answering Paragraph 103, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

103. In answering Paragraph 104, Judge Jordan denies the allegations in this paragraph.

104. In answering Paragraph 105, Judge Jordan denies the allegations in this paragraph.

105. In answering Paragraph 106, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

106. In answering Paragraph 107, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

107. In answering Paragraph 108, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

108. In answering Paragraph 109, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

109. In answering Paragraph 110, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
110. In answering Paragraph 111, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
111. In answering Paragraph 112, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
112. In answering Paragraph 113, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
113. In answering Paragraph 114, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
114. In answering Paragraph 115, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
115. In answering Paragraph 116, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
116. In answering Paragraph 117, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
117. In answering Paragraph 118, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
118. In answering Paragraph 119, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.



119. In answering Paragraph 120, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
120. In answering Paragraph 121, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
121. In answering Paragraph 122, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
122. In answering Paragraph 123, Judge Jordan admits the allegations in this paragraph, but lacks knowledge or information sufficient to form a belief as to the truth of the allegations in footnote 45.
123. In answering Paragraph 124, Judge Jordan admits the allegations in this paragraph.
124. Judge Jordan objects to the allegations in Paragraph 125 to the extent they state a legal conclusion to which no answer is required. If a response is required, Judge Jordan admits that arrestees are given a right to release pending trial, but denies the remaining allegations in this paragraph.
125. In answering Paragraph 126, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
126. In answering Paragraph 127, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

127. In answering Paragraph 128, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
128. In answering Paragraph 129, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
129. In answering Paragraph 130, Judge Jordan admits that if a person cannot pay her money bail after her first court appearance before a County Court at Law Judge, it is the practice of the Sheriff's Department to continue to detain that individual until she makes a monetary payment. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
130. In answering Paragraph 131, Judge Jordan denies the alleged "wealth-based procedures" are "his procedures." Judge Jordan admits that some arrestees eventually arrange with private bail bond companies to secure a monetary payment after they have spent time in jail. Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and footnote 46.
131. In answering Paragraph 132, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
132. In answering Paragraph 133, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

133. In answering Paragraph 134, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
134. In answering Paragraph 135, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
135. In answering Paragraph 136, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
136. In answering Paragraph 137, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
137. In answering Paragraph 138, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
138. In answering Paragraph 139, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
139. In answering Paragraph 140, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
140. In answering Paragraph 141, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
141. In answering Paragraph 142, Judge Jordan admits that generally there are more people of color than whites that are detained. However, Judge Jordan does not use money bail to detain more people of color than whites. Judge

Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and footnote 54.

142. In answering Paragraph 143, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

143. In answering Paragraph 144, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

**Class Action Allegations**

144. In answering Paragraph 145, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

145. In answering Paragraph 146, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

146. In answering Paragraph 147, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

147. In answering Paragraph 148, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

148. In answering Paragraph 149, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

149. In answering Paragraph 150, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

150. In answering Paragraph 151, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
151. In answering Paragraph 152, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
152. In answering Paragraph 153, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
153. In answering Paragraph 154, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
154. In answering Paragraph 155, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
155. In answering Paragraph 156, Judge Jordan denies that he “operates” a “post arrest wealth-based detention scheme.” Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
156. In answering Paragraph 157, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
157. In answering Paragraph 158, Judge Jordan denies that he operates an unconstitutional “wealth-based detention scheme.” Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

158. In answering Paragraph 159, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
159. In answering Paragraph 160, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
160. In answering Paragraph 161, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
161. In answering Paragraph 162, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
162. In answering Paragraph 163, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
163. In answering Paragraph 164, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
164. In answering Paragraph 165, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
165. In answering Paragraph 166, Judge Jordan denies that he has acted in an unconstitutional manner, denies that he has practices and procedures that “make up” a “wealth-based post-arrest detention scheme,” and denies that he applies and enforces a “wealth-based system of pretrial justice.” Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

166. In answering Paragraph 167, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
167. In answering Paragraph 168, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
168. In answering Paragraph 169, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

**Claim for Relief**

169. In answering Paragraph 170, Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
170. Judge Jordan objects to the allegations in Paragraph 171 to the extent they state a legal conclusion to which no answer is required. If a response is required, Judge Jordan denies he violates Plaintiffs' "fundamental right to pretrial liberty," and denies he enforces a system of "wealth-based detention." Judge Jordan lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.
171. Judge Jordan has personally observed problems with the current bail bond system. Judge Jordan supports a system in which the bonding scheme does not cause a person to be deprived of entering a diversionary program, pleading to a crime they did not commit, or prevent them from taking advantage of other opportunities to get their cases dismissed.

### **Request for Relief**

The allegations in this paragraph requesting relief are in the nature of prayer. To the extent a response is required, Judge Jordan denies Plaintiffs are entitled to all of the relief sought.

### **AFFIRMATIVE DEFENSES**

#### **Legislative Immunity**

1. Judge Jordan is legislatively immune from Plaintiffs' claims.

#### **Judicial Immunity**

2. Judge Jordan is judicially immune from Plaintiffs' claims.

#### **Qualified Immunity**

3. Judge Jordan has qualified immunity from Plaintiffs' claims. Judge Jordan affirmatively pleads that, with respect to the allegations in Plaintiffs' complaint, Judge Jordan at all times acted in good faith and within the scope of his authority under applicable law and his employment duties, and thus is entitled to good faith and qualified immunity from suit under both state and federal law.

#### **Attorney's Fees**

4. Pursuant to 42 U.S.C. § 1988, plaintiffs are not entitled to attorney's fees even if they were to prevail.



5. Pursuant to 42 U.S.C. § 1988, Judge Jordan is entitled to attorney's fees if he prevails.

### **Improper Defendants**

6. Plaintiffs' First Amended Class Action Complaint should be dismissed because Judge Jordan is not a proper party to a declaratory judgment action challenging the constitutionality of statutes.

### **Lack of Supervisory Authority**

7. Judge Jordan does not supervise the Hearing Officers, or the Sheriff's Department. Rather, the Hearing Officers are supervised by a party apparently not added to this suit.

### ***Younger Doctrine***

8. At the time this suit was filed, there were pending state actions against the named Plaintiffs. This suit is therefore barred by the *Younger Doctrine*.

### **Exhaustion of State Remedies**

9. Each of the claims raised by Plaintiffs could have and should have been raised in a County Criminal Court at Law. Instead, none of the claims were ever raised in any state proceeding. Rather, Plaintiffs successfully contested or posted their bond, or plead guilty and were released without ever raising any constitutional challenge before or after the filing of this case.

### **Reservation of Rights**

10. Judge Jordan reserves the right to rely upon such other defenses and affirmative defenses as may become available or apparent during discovery proceedings in this case.

### **Failure to State A Claim**

11. Plaintiffs' Complaint, in whole or in part, fails to state claim upon which relief can be granted against Judge Jordan.

### **No Irreparable Harm**

12. Plaintiffs are not entitled to injunctive relief because any alleged injury to Plaintiffs is not immediate or irreparable, and Plaintiffs have an adequate remedy at law.

### **Injunctive Relief is too Vague**

13. Plaintiffs are not entitled to injunctive relief because they have failed to allege with any specificity the relief sought.

### **REQUEST FOR JURY TRIAL**

Judge Jordan hereby requests a trial by jury.

Respectfully submitted,

/s/ Laura Beckman Hedge

**Laura Beckman Hedge**

Assistant County Attorney

**ATTORNEY-IN-CHARGE**

State Bar No. 00790288

So. District No. 23243

[Laura.Hedge@cao.hctx.net](mailto:Laura.Hedge@cao.hctx.net)

1019 Congress, 15<sup>th</sup> Floor

Houston, Texas 77002

Telephone: (713) 274-5137

Facsimile: (713) 755-8924

**ATTORNEY FOR DEFENDANT,  
HARRIS COUNTY CRIMINAL COURT  
AT LAW NO. 16 JUDGE DARRELL  
WILLIAM JORDAN, IN HIS OFFICIAL  
CAPACITY**

**OF COUNSEL:**

VINCE RYAN,

HARRIS COUNTY ATTORNEY

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on January 30, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Southern District of Texas, Houston Division, using the electronic case filing system of the Court and served all parties of record in accordance with same.

*/s/ Laura Beckman Hedge*

**Laura Beckman Hedge**